



UNITED STATES DEPARTMENT OF COMMERCE
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TS

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/115,359 07/14/98 MERILL

J INTL-0038-US

LM01/0505

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EXAMINER

SAX, R

ART UNIT

PAPER NUMBER

2748

DATE MAILED:

05/05/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory Action

Application No.

09/115,359

Applicant(s)

Merill

Examiner

Robert Sax

Group Art Unit

2748



THE PERIOD FOR RESPONSE: [check only a) or b)]

- a) ☒ expires 3 months from the mailing date of the final rejection.
- b) ☐ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☐ Appellant's Brief is due two months from the date of the Notice of Appeal filed on _____ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on Mar 16, 2000 has been considered with the following effect, but is **NOT** deemed to place the application in condition for allowance:

- ☒ The proposed amendment(s):
- ☐ will be entered upon filing of a Notice of Appeal and an Appeal Brief.
- ☒ will not be entered because:
- ☐ they raise new issues that would require further consideration and/or search. (See note below).
- ☐ they raise the issue of new matter. (See note below).
- ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
- ☒ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE:

- ☐ Applicant's response has overcome the following rejection(s):

- ☐ Newly proposed or amended claims _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.
- ☒ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:
Please see attached statement.
- ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
- ☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):
- Claims allowed: _____
- Claims objected to: _____
- Claims rejected: 8-15

- ☐ The proposed drawing correction filed on _____ ☐ has ☐ has not been approved by the Examiner.
- ☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Other

KRISTA ZELE
SUPERVISORY PATENT EXAMINER
GROUP 2700

May 1, 2000
09/115,359
Merill

ATTACHED STATEMENT TO ADVISORY ACTION REQUEST FOR RECONSIDERATION

The examiner respectfully disagrees with the remarks of the applicant stating that Andreshak somehow teaches missing identifiers, does not associate speech commands with identifiers, identifier language is non-existent in the reference, no association of speech commands with identifiers and no providing of identifiers to software objects. The examiner states "Andreshak teaches ... Markov models as identifiers of an acoustic pattern stored in 'acoustic command model vocabulary store 28' which include ... global commands ...". The applicant is referred to Andreshak col. 11, TABLE 3 which shows examples of global commands executed by the computer accepting spoken commands as standard input, e.g. spoken word enter as executing the function of the "ENTER" keystroke, etc. This is a clear example of associating an action to be taken where the acoustic pattern identified by Markov models is associated with the keystroke action obtained by pressing the "ENTER" key. Fig. 1 shows speech recognizer 32 transmitting the commands to be executed by computer processor 10 where identifiers of the command are received from image object identifier 26 and for each active state of the processor from command model identifier 30. This is shown in more detail by Fig. 1a.

With respect to the argument that the above identifiers taught by Andreshak doesn't teach associating speech commands with identifiers, Fig 1 shows speech recognizer 32 receiving the image object identifiers from 26 and identifiers of each active state from 30 and identifiers of spoken commands from 26, which is then transmitted to processor 10 where the command is executed.

With respect to the argument that Andreshak makes no reference to identifiers, see Fig. 1, Fig. 1a and corresponding descriptions of image object identifiers (col. 5, line 65 - col. 6, line 15) and acoustic command model identifiers (col. 8, lines 9-16).

With respect to Andreshak not providing identifiers with software objects, Andreshak makes many references to software objects., eg., Tables 1 and 2 tabulate objects, corresponding spoken commands and functions performed.

In examining the application, the examiner made an effort to conform to the accepted definition of terms used in describing computer softwaresuch as "identifier" and "object". For this, the examiner referred to the Computer Dictionary published by Microsoft Press which is also attached.



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